

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Telecommunications Division
Carrier Branch**

**RESOLUTION T-16783
November 13, 2003**

R E S O L U T I O N

Resolution T-16783. Cingular Wireless (U-3060-C) Seeks Authority To Deviate From The Provisions Of Public Utilities Code 320. Cingular Seeks Authority To Apply An Aerial Strand To Existing Pole Line and Locate A Wireless Communications Facility Along Highway 50 - El Dorado County, California.

By Advice Letter No. 5 Filed August 1, 2003.

Summary

Cingular requests a deviation from Public Utilities (P.U.) Code Section 320 to apply an aerial strand (fiber optic cable) and install its wireless communications facility within 1,000 feet of Highway 50, a scenic highway located in El Dorado County, California. The installation of the aerial strand and wireless facility falls under P.U. Code Section 320, which requires that all future communications facilities within 1,000 feet of a scenic highway be undergrounded. The wireless facility contains antennas which cannot function underground. Commission Decision 80864 dated December 16, 1972, implemented P.U. Code Section 320.

Cingular provided a cost estimate of underground fiber optic construction versus aerial applications. The underground to overhead cost ratio is 3.22 to 1. Having wireless coverage available provides a benefit to the public, both for general usage and for emergency. Therefore, Cingular is granted authority to apply the aerial strand and install its wireless facility within 1,000 feet of Highway 50.

Background

Cingular proposes to attach a fiber optic cable of less than 2" in diameter to the existing utility distribution poles located along Highway 50 between the communities of Kyburz and Strawberry in El Dorado County, CA. Approximately 16 of the poles will be reinforced with additional support or replaced with new poles of the same height and size. The proposal also calls for replacing nine utility distribution poles and the existing

light standards at safety/chain control locations with new poles and light standards that would support Cingular's antennas.

The antennas and fiber optic cable will connect to Cingular's radio equipment shelter to be located on privately owned land at 16366 Strawberry Lane, Strawberry, El Dorado County. Planning and building permits have been obtained from El Dorado County for the siting and construction of the equipment.

Cingular files this letter because P.U. Code Section 320 prohibits what appears to be the most cost efficient and best practice, which is to apply the aerial strand to existing poles lines and locate the wireless facility aboveground along Highway 50.

Notice/Protests

Notice of Advice Letter No. 5 was published in the Commission Daily Calendar of August 20, 2003. No protest to this Advice Letter has been received.

No comments were received for this resolution by the Telecommunications Division.

Discussion

Currently, there is no wireless coverage along highway 50 between the communities of Kyburz and Strawberry in El Dorado County, California. In order to provide enhanced wireless coverage in this area, Cingular is requesting a deviation from Public Utilities (P.U.) Code Section 320 to apply an aerial strand of fiber optic cable and to install its wireless facility aboveground within 1,000 feet of Highway 50, a scenic highway located in El Dorado County, California.

Cingular provides a cost study based on the findings of an independent company enlisted by Cingular to help determine the feasibility and engineering of the project. The cost to underground fiber optic for this project is \$1,900,800. Cingular claims that this is a conservative estimate and does not include any costs for obstacles or delays. On the other hand, the cost of aurally attaching the fiber optic strand on the distribution poles, and including the cost of the replacement poles is \$590,640. The underground to overhead cost ratio is 3.22 to 1. Furthermore, wireless antennas by their very nature require a "line-of-sight" to the mobile caller to function and thus cannot be undergrounded.

There is a benefit to the public for having access to wireless services, both for emergency and general usage. Since Cingular will incur significant cost savings by applying the aerial strand to existing poles, and that wireless antennas by their very nature require a "line-of-sight" to function and cannot be undergrounded, the Telecommunications Division (TD) finds reasonable Cingular's proposal to install the

aerial strand and the wireless facility aboveground. Therefore, TD recommends that Cingular's request to deviate from P.U. Code Section 320 be approved.

The Telecommunications Division concludes that the Advice Letter meets the requirements set forth in the Commission Orders and General Order (G.O.) 96-A and recommends that the Commission approve this filing. Commission approval is based on the specifics of the Advice Letter and the associated contract, and does not establish a precedent for the contents of future filings or for Commission approval of similar requests.

Furthermore, Cingular is expected to satisfy all requirements of the Commission's G.O. 159-A regarding construction of its proposed wireless facility.

Findings

1. Having wireless coverage along Highway 50 between the communities of Kyburz and Strawberry in El Dorado County, California provides a benefit for the public for emergency and general usage.
2. Cingular will incur significant cost savings by aurally attaching the fiber optic strand on the distribution poles, as opposed to undergrounding the fiber optics cable.
3. Wireless facility antennas by their very nature require a "line-of-sight" to function and thus cannot be undergrounded.
4. The deviation request from the undergrounding requirements of P.U. Code Section 320 is reasonable and should be approved.
5. Cingular shall satisfy all requirements of the Commission's G.O.159-A regarding construction of its wireless facility.

THEREFORE, IT IS ORDERED that:

1. Cingular's request to deviate from P.U. Code 320 to apply an aerial strand and to install its wireless facility within 1,000 feet of Highway 50, a scenic highway located in El Dorado, County, California, is reasonable and is herein adopted.

November 13, 2003

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on November 13, 2003. The following Commissioners approved it:

/s/ WILLIAM AHERN

WILLIAM AHERN
Executive Director

MICHAEL R. PEEVEY
President

CARL W. WOOD
LORETTA M. LYNCH
SUSAN P. KENNEDY
Commissioners

I will file a concurrence.
/s/ LORETTA M. LYNCH
Commissioner

Commissioner Geoffrey F. Brown, being
necessarily absent, did not participate.